
Simpson Consulting & Investigative Services

D



Simpson Consulting and Investigative Services

413 Sixteenth Street
St. Augustine, Florida 32084
License Number A - 9800063 & C - 9800151

November 29, 2011

J. Stephen Alexander, Esquire

19 Old Mission Avenue

St. Augustine, Fl. 32084

Dear Mr. Alexander:

The following is my report surrounding the facts and circumstances of a motor vehicle accident which occurred November 10, 2011 in Palm Coast, Flagler County. The accident involved JAMESINE ANNE FISCHER, your client. Fischer resides at 45 Freeland Lane, Palm Coast, Fl. 32137-9206. Her date of birth is 09-25-1956 and she has a valid Florida Class E Driver License which expires 09-25-2019.

November 15, 2011. I photographed the outside of the 2007 PT Cruiser in the Rodgers Towing Compound, Bunnell, Fl. Later, after speaking with Mr. and Mrs. Fischer and learning that the Florida Highway Patrol investigator advised them he had found scratches on the hood as well as other places on the vehicle, I again photographed the vehicle. I photographed every blemish, scratch or crack that was visible. Although I photographed the vehicle I found nothing that was attributable to a recent impact. None the less, the entire hood, front bumper, right fender, windshield and right door were photographed a second time. *See submitted photographs*.

November 15, 2011. I interviewed JAMESINE ANNE FISCHER at her residence. Her husband, JOHN LA VELLE FISCHER was present during the interview. Mrs. Fischer stated the Florida Highway Patrol had just taken her statement prior to my arrival. Mrs. Fischer was concerned because she did not want her statements to be different. I told her not to worry just tell me in her words and to the best of her memory what happened the evening of November 10, 2011.

Mrs. Fischer stated she was travelling in her vehicle for the purpose of giving a ride to a friend, BETTY BIFANO, who resides at 42 Columbia Lane. She states the time was around 6:00 P.M. She said it was dark as she had her headlights on. As she turned North onto Columbia Lane off of Colechester Lane, at an estimated speed of no more than 30 miles per hour, she heard something strike her vehicle. She said as she made the turn onto Columbia Lane she saw no person adjacent to the right of the roadway and had no idea what had made the noise.

She continued North on Columbia Lane a short distance, perhaps 30 or 40 feet, and then pulled off as far as possible to the East side of Columbia Lane. She stopped at the northern most portion of a circular driveway in front of 4 Columbia Lane. Still not knowing what had struck her vehicle, she then exited the vehicle on the driver's side and walked back towards the southernmost portion of the same circular driveway.

There she observed a body lying adjacent to the culvert of the driveway. She states she called out words to the effect are you alright? Getting no response she next kneeled down and shook the female lying on the ground. Still she did not receive any response. She said she could see what she believed to be blood coming from the right side of the subject's mouth. She said she turned the subject's head to the right in an effort to preclude any potential breathing problems. She said the victim was lying on her back and lying perpendicular to Columbia Lane. Her head was to the East and her feet were to the West. There is no sidewalk in the area.

Mrs. Fischer states the victim was wearing black long pants and thought she was wearing a lighter colored shirt. She said one of her shoes was missing and one was still on her foot. She, Fischer, thought the victim had fallen. Mrs. Fischer still did not know how or why the victim was on the ground in the swale. She said she hollered "this lady has fallen and is hurt. Someone call 911" She said in the commotion she heard someone say I am calling 911 now. Mrs. Fischer said that in an extremely short time the EMT's arrived. *The Fire Station is less than 4 blocks from the scene of the incident. Upon their arrival they began efforts to secure and stabilize the victim. Shortly after the EMT's arrived an ambulance arrived with paramedics. They placed the victim in the ambulance. As they were placing the victim in the ambulance Mrs. Fischer asked "is she going to be alright?" to which one of the unidentified rescue personnel replied "we have her now...we will take care of her" or words to that extent.

Mrs. Fischer said the rescue personnel; EMTs as well as the ambulance left the scene. Mrs. Fischer said she then drove the .2 miles to 42 Columbia Lane to her friend Betty Bifano's residence. It being too late to take Betty Bifano to visit her husband in rehab, Mrs. Fischer drove back to her residence. Mrs. Fischer said she still was not aware that she had struck the victim. She said she did not notice the cracked windshield. *The windshield was cracked on the extreme right side. She said her husband was not at home when she arrived. After several attempts to contact him, he returned home also.

She said she was quite upset as she still did not know what exactly happened. She said she continued to be upset as she tried to explain to her husband what had happened and that she did not know exactly what did in fact happen.

Approximately 4:30 or 5:00 am on the morning of November 11, 2011, John Fischer notified the Flagler County Sheriff's Department and advised them that his wife may have been involved in an accident; however, she was not sure. He provided a description of her vehicle and an approximate location the accident may have occurred. After determining the make of model of Mrs. Fischer's vehicle, the Flagler County Sheriff's deputy arrived at the Fischer residence determined the vehicle and driver was in fact

D

being sought regarding an accident which occurred earlier that evening on Columbia lane resulting in the death of a pedestrian.

After concluding the interview of Mrs. Fischer I drove her and her husband to Rodgers Towing to pick up their vehicle.

November 16, 2011 I began the search for witnesses as well as the accident site. At 4 Columbia Lane I spoke to HELEN WESTENBERG. Helen Westenberg and her husband Robert, reside at 4 Columbia Lane, Palm Coast, Fl. (386)445-3975.

Mrs. Westenberg relates the following events: She said at approximately 6:00 pm November 10, 2011 she heard noises in front of her residence. She walked outside and observed a body lying in the swale immediately south of the southernmost part of their circular driveway. The body was oriented lying east to west with the head to the east. She observed a woman park and exit a vehicle from the driver's side, immediately south of the northernmost portion of their circular driveway. The woman approached the body lying on the ground and asked the person on the ground "are you alright?". Not getting any apparent response she then knelt and touched the subject, then rose up and said words to the effect this woman has fallen and she needs help.

Mrs. Westenberg said she was close enough to the victim to determine it was a female wearing dark long pants and a light colored shirt. The victim was wearing one black shoe the other shoe being found under the victim when she was moved by the rescue units.

Her husband Robert and Kathrine Sroka found a small dog with a collar and tags in the immediate area. Through the use of a computer and the dog tags they were able to determine a possible address and telephone number. They called the number, received no answer but left a message to call Robert Westenberg.

Mrs. Westenberg said someone unknown to her walked up with a cell phone and was calling 911. He said that he was following in back of the vehicle that had struck the victim. I was unable to determine his identity.

Mrs. Westenberg said there were only four people at the scene; the unidentified person with the cell phone who called 911, herself, and a mother and daughter from across the street. The daughter being the one who assisted her husband Robert in discovering a potential name and address from the dog tags.

Mrs. Westenberg said after the rescue personnel left the area was quiet and calm. She said that around 1:00-1:30 am she was awakened by a knock on the door. She said it was two police officers who interviewed her regarding the accident. She said in addition to interviewing her they took several photographs in and on the street as well as the swale in which the victim was found.

D

I next located and interviewed Kathrine Kasprzak who resides at 3B Columbia Lane. There I spoke with KATHRINE KASPRZAK and her daughter KATHRINE SROKA. Telephone number (386) 597-2008, Palm Coast, Fl.

Kathrine Kasprzak stated she and her daughter arrived on the scene in time to observe the rescue units arrive and treat the victim. They confirmed the victim's location and orientation. They also confirm observing Jamesine Fischer standing near the victim. Both the mother and daughter said Jamesine Fischer repeatedly stated her name was Irene. The two were adamant regarding that fact. However, I do not think it would be a great leap, especially under the circumstances, to confuse Jamesine with Irene. **I subsequently questioned Jamesine Fischer and asked her if she had proffered her name to anyone at the accident scene as being Irene. She replied no.

The mother and daughter both identified Jamesine Fischer from the photograph on her Florida Driver License as being out of her vehicle, PT Cruiser, at the accident scene. The daughter, Kathrine Sroka, is the person referenced earlier as assisting Robert Westenberg in determining a telephone number and address from the dog's tag.

The two were questioned by Florida Highway Patrol officers at approximately 1:00 am – 2:00 am on November 11, 2011. They provided a statement to the officers and told them the lady identified herself as Irene not Jamesine as was listed on the Florida Driver License shown by the officers.

November 16, 2011. In the late evening I took multiple photographs of the accident scene. I took photographs of the area where the body was resting as well as physical reference points. I attempted to drive at 30 mph through the left hand turn from Colechester Lane onto Columbia Lane. I was unable to maintain a 30 mph speed through the turn or accelerate to a 30 mph speed before the accident site. Jamesine Fischer was operating at a speed of less than 30 mph.

Columbia Lane is a narrow two lane residential roadway. Columbia Lane has no sidewalks. The area has but one street light at the north western corner of the intersection of Colechester Lane and Columbia Lane. The light affords minimal illumination for the street and adjacent green areas. * See submitted photographs*.

I also recorded a video prior to the approximate time (6:06 P.M.) of the accident. The video reflects the environmental aspects of the time prior to 6:06 pm as well as environmental factors subsequent to 6:06 pm. 6:06 pm are the closest estimated time of the accident provided by witnesses. * See submitted video*.

November 22, 2011 I returned to Palm Coast for the purpose of interviewing the EMT who responded to the accident scene on November 10, 2011. I located the subject at the Fire Station; however, he would not speak with me. He said the fire chief Michael C. Beadle had instructed all personnel not to discuss the events of the evening of November 10, 2011 with anyone except law enforcement. All inquiries were to be directed to him.

D

Page 5

I drove to 1250 Belle Terra Parkway for the purpose of meeting with Fire Chief Michael Beadle. Although very gracious he declined to authorize an interview with the rescue personnel. Instead he referred me to Palm Coast Human Resource manager, Wendy Cullen. I thanked him and left.

I drove to the Palm Coast City Building for the purpose of meeting with Human Resource Director Wendy Cullen. Ms. Cullen stated that I would have to speak with attorney for the city Palm Coast and that he would be available the afternoon of November 29, 2011. I thanked her and left.

No other investigative efforts have been made at time of this report. I await any direction that you may wish me to proceed regarding investigative efforts.

With respect,

Tom Simpson

D